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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,554	11/17/2000	Kunihiro Nunomura	ASA-947	5483

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EXAMINER

HOLDER, REGINA NEAL

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,554

Applicant(s)

NUNOMURA ET AL.

Examiner

Regina N. Holder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Haines et al (6,496,313).

Regarding claims 1-3, Haines et al teaches a method for managing a disk drive comprising sending a request from a host system to the disk drive to reproduce data from the disk, reproducing or intending to reproduce data and outputting the reproduced data and a signal

concerning errors in the reproduction added at the head or end of the reproduced data. See the abstract and figs. 4-5 and their corresponding descriptions.

Regarding claims 4 and 6, these limitations are met in the rejection of claims 1-3.

4. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasumasa (JP 07-320418).

Regarding claims 1-3, Yasumasa teaches a method for managing a disk drive comprising sending a request from a host system to the disk drive to reproduce data from the disk, reproducing or intending to reproduce data and outputting the reproduced data and a signal concerning errors in the reproduction added at the head or end of the reproduced data. See the constitution. The examiner is interpreting the error information is also simultaneously outputted with the data as being added to the end or head of the data.

Regarding claims 4 and 6, these limitations are met in the rejection of claims 1-3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haines et al.

Regarding claims 5 and 7, Haines et al teaches all the limitations as explained above except Haines et al does not specifically recite a retry function. Haines et al does teach an optional ECC step. See col. 7 lines 33-37. It is well known that error-correcting functions

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include a retry step. Before indicating that information contains an error it is often read again to ensure that the information cannot be accurately read. And after performing error correction, the data is read again to determine if the error correction was successful or not. Hence, it would have been obvious to one of ordinary skill in the to perform a retry in order to attempt to obtain the reproduced signal and official notice is taken thereof.

7. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasumasa.


Regarding claims 5 and 7, Yasumasa teaches all the limitations as explained above except Yasumasa does not specifically recite a retry function. Yasumas does teach an error correcting function. See the constitution. However, it is well known that error correcting functions include a retry step. Before indicating that information contains an error it is often read again to ensure that the information cannot be accurately read. And after performing error correction, the data is read again to determine if the error correction was successful or not. Hence, it would have been obvious to one of ordinary skill in the to perform a retry in order to attempt to obtain the reproduced signal and official notice is taken thereof.

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Conclusion

8. Any inquiry concerning communications from the examiner should be directed to Regina N. Holder at (703) 308-4078. The examiner can normally be reached on 6:30 a.m. - 5:00 p.m. Mon.-Thurs.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314. Any inquiry of a general nature should be directed to the receptionist at (703) 305-4700.

rnh
April 11, 2003


Regina N. Holder
Primary Examiner
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